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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,428	03/18/2004	John-Paul Pizana Cana	03-4914-007	7233
46188	7590	02/18/2010	EXAMINER	
Nixon Peabody LLP P.O. Box 60610 Palo Alto, CA 94306			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,428

Applicant(s)

CANA ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-36, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-36 and 39-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

US 7,262,810 B2 to Roh is relied upon to teach the newly added claim limitations in the independent claims and as support for the previously taken official notice.

Applicant's failure to properly traverse the official notices taken in the previous action is viewed as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 19-36 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of US 7,003,793 B2 to Hwang et al in further view of US 7,262,810 B2 to Roh.

Regarding claims 1 and 21, Tracton discloses in figure 4 an apparatus for presenting audio and/or video selections to a user comprising:

a processor 106,
a user interface connected to the processor, through which the user identifies a particular audio and/or video selection (MPEG content, web browser utilized to connect and retrieve data column 4, lines 20-53, input device 44, column 9, lines 56-63),
the device communicating the identity of the particular selection over a cellular network and receiving the selection in electronic format from the provider via the cellular network (MPEG content, web browser utilized to connect and retrieve data column 4, lines 20-53), and
a presentation device operation to present the particular selection to the user in audio and/or video form (438, column 9, line 48-55).

While Tracton does disclose transmitting the data via a network, Tracton is silent regarding the use of a radio modem as well as a detachable display means configured to wireless communicate with the processing means.

Hwang discloses a VOD terminal 11 which utilizes WAP to communicate with a VOD server 13 to transmit stock information, entertainment, as well as video content (figure 1, column 3, lines 59-column 4, line 17, column 5, lines 1-17). WAP is a generic name for a protocol that enables the use of the Internet from a wireless terminal such as a mobile phone or PDA. Previously in order to utilize the internet with a mobile phone, a notebook computer with an installed modem card had to be connected to a terminal, WAP has enabled Internet communications using the mobile phone terminal itself (column 1, lines 29-43). Hwang inherently utilizes a radio modem as Hwang teaches the

use of a wireless connection between the server and the playback device and a radio modem is required in order to transmit via a wireless telecommunications service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to utilize the wireless modem as taught by Hwang for the advantages of providing stocks and entertainment information, reduction in the number of devices needed to transmit wirelessly and to provide a convenient mobile way to connect to a remote service.

The combination of Tracton and Hwang, while disclosing PDA/Mobile, and PC devices fails to disclose a detachable display means configured to wireless communicate with the processing means.

Roh discloses a display tablet unit (column 4, lines 3-31) which is detachable from a housing and wireless communicates with a processor 250 (figures 2-4). As shown in figure 5, a user's commands inputted through the tablet are routed to a base station to be processed before the requested content is transmitted back to the tablet device. The tablet device utilizes an MPEG compressor stored within the base station to enhance the speed of wireless transmission to the web pad (column 7, lines 10-22) , likewise the base station may be a refrigerator which monitors the state of the food and reports it to the tablet (column 8, lines 6-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Tracton and Hwang to utilize the tablet and wireless transmission features as taught by Roh for the above mentioned advantages.

Regarding claims 2-4 and 22-24, Tracton discloses that the computing device 402, connects to a number of storage devices, including CDROM/DVD, CD-RW, floppy disks, tapes, along with flash memory cards, memory sticks, and hard drives (column 9, lines 30-55) which contain data and executable instructions for the computing device 402.

Tracton is silent regarding whether the media contains data presentable by the presentation device.

The Examiner takes official notice that the above listed media may be used to present audio such as music, and video data to a user and provide an easy way to purchase and share media with another user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton's variety of media to contain audio visual information, for the above mentioned advantages.

Regarding claims 5-6 and 25-26, Tracton discloses that the computing device 402, connects to a number of storage devices, including CDROM/DVD, CD-RW, floppy disks, tapes, along with flash memory cards, memory sticks, and hard drives (column 9, lines 30-55) which contain data and executable instructions for the computing device 402.

Regarding claims 7 and 27, Tracton discloses that the particular selection is obtained via the Internet (figure 4).

Regarding claims 8 and 28, Hwang is relied upon to teach the use of a mobile phone in a wireless environment, but fails to specifically disclose utilizing cellular technology.

The examiner takes official notice that utilizing cellular technology is notoriously well known in the art. Cellular networks are commonly utilized around the world and provide a common way for mobile devices to access content and other users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Tracton and Hwang to utilize cellular technology for the above mentioned advantages.

Regarding claims 9 and 29, Tracton discloses using a cell phone, but does not disclose if the cell phone is configured to establish a cellular connection with another user. While this is a common use of cell phone technology, it is not inherent that Tracton is configured to do so.

The Examiner takes official notice that using the radio modem of a cell phone to connect and establish a connection is notoriously well known in the art. Cell phones let user's exchange data; catch up with on recent events etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to allow a user to connect to another cellular user via a cellular modem for the above mentioned advantages.

Regarding claims 10-11 and 30-31, Tracton discloses that the content is in streaming form as an MPEG compressed file (column 4, lines 33-49, column 5, lines 47-65).

Regarding claims 12 and 22, Tracton discloses that the processor using a web browser (column 4, lines 14-24).

Regarding claims 13 and 33, Tracton discloses that the device may be a PDA, But fails to disclose contact storage and calendar features.

The examiner takes official notice that contact storage and calendar features in a PDA are notoriously well known in the art. These provide an easy way for a user to plan their schedule and remember contact information for other people.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to include contact storage and calendar features for the above mentioned advantages.

Regarding claims 14 and 34, Tracton discloses a processor with Internet and web browsing capability.

Tracton is silent with regards to email capabilities which allow for email to be received and transferred.

The examiner takes official notice that sending/receiving email is notoriously well known in the art. Email is a convenient way to keep track of events and share information with friends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to include email capabilities for the above mentioned advantages.

Regarding claims 15 and 25, Tracton discloses the use of a connection port 418 to send/receive data to a data source.

Regarding claims 16 and 36, Tracton discloses an interface port 418 but fails to disclose the use of USB.

The Examiner takes official notice that USB is notoriously well known in the art for transferring media and other data between devices. USB provides an easy and common network interface and provides autodiscovery capabilities.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to use USB for the above mentioned advantages.

Regarding claims 19 and 39, Tracton discloses the use of a cell phone device.

Tracton is silent regarding the use of a microphone utilized in conjunction with a processor for voice recognition.

The examiner takes official notice that voice recognition via a microphone is notoriously well known in the art. Cell phones use voice recognition for dialing a contact by name, thereby relieving the user from having to enter and remember a cell phone number.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tracton to enable voice recognition via a microphone for the above mentioned advantages.

Regarding claims 20 and 40, Tracton discloses the use of a touchpad (column lines 56-63).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,084,932 B1 to Mathias: Video Display System for a Vehicle

US 6,104,334 A to Allport: Portable Internet Enabled Controller and Information Browser for Consumer Devices.

US 2003/0137609 to Hayakawa: Multimedia System Using Plasma or Liquid Crystal Display, Display System of Portable Computer, and Signal Received for Television, Radio and Cellular Telephone.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is (571)272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner
Art Unit 2421

HBL